

REMARKS/ARGUMENTS

Claims 1 through 5, 7 through 23, and 25 through 34 are pending in the present application. Claims 29 through 34 have been newly added.

The Action states that claims 25 to 28 are allowed. The Action also states that claims 3, 8, 15 and 21 are objected to but would be allowable if rewritten as stated in the Action. However, for at least the reasons set forth below, Applicants respectfully submit that all claims are in condition for allowance.

The applicants and the undersigned attorney for applicants express with appreciation the courtesies extended by the Examiner during the personal interview on July 20, 2004. As noted in the Examiner Interview Summary ("Interview Summary"), independent claims 1, 13 and 19, as proposed, now as amended above, appear to remove the rejection of the claims using the Lichstein reference.

The action stated that claims 1, 2, 4, 5, 9 through 14, 16 through 20, 22 and 23 are rejected under 35 U.S.C. §102(b) as

being anticipated by U.S. Patent No. 4,536,178 to Lichstein et al. (Lichstein).

As noted in the Interview Summary, proposed amendments to independent claims 1, 13 and 19, include clarifying that the at least one surface of the fingergrip has the at least one gripping structure, and that the at least one gripping structure must include a structure other than a plurality of ribs or treads, even though it can also include a ribs or treads. To avoid any ambiguity, newly presented claims 29, 31 and 33 have been added to confirm this latter point.

As noted in Interview Summary, the above noted amendments to claims 1, 13 and 19 appear to remove the rejection of these claims using the Lichstein reference.

The above, proposed amendment to dependent claim 7 was discussed as noted in the Interview Summary.

It is respectfully submitted that Lichstein fails to disclose a tampon applicator having at least one surface (whether substantially flattened (claim 1)/convex (claim 13)/concave (claim 19)), that has at least one gripping structure other than a plurality of ribs or treads. To the

contrary, Lichstein only discloses a plurality of spaced apart ribs or treads on surfaces 30, which form the gripping structures.

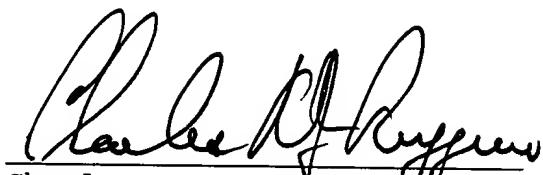
Thus, reconsideration and withdrawal of the Section 102 rejection of claims 1, 2, 4, 5, 9 through 14, 16 through 20, 22 and 23 are respectfully requested.

As stated in the Interview Summary, the Examiner was to locate proper procedure for submission of documents that failed to comply with 37 CFR 1.97, 1.98 and MPEP 609, as noted in the Action. My office called the PTO help desk, and was advised that these documents, that include the appeal briefs briefly discussed at the interview and the lower court decision and briefs previously submitted in the Supplemental Information Disclosure Statement dated April 22, 2004, and which involve the assignee of this application and the Lichstein patent, should be submitted with a Form 1449. Thus, applicants are submitting Form 1449 that relists with dates, materials submitted previously, as well as the appeal briefs, along with this Amendment.

In view of the foregoing, applicants respectfully submit that all claims in this application, including previously

allowed claims 25 to 28, and objected to claims 3, 8, 15 and 21, are in condition for allowance. Thus, applicants respectfully request passage of this application to allowance. Should there be any question, the Examiner is urged to contact the undersigned attorney for applicants.

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